

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

IN RE: BIANCA KELLY) OEIG Case #17-00402

OEIG FINAL REPORT (REDACTED)

Below is a final summary report from an Executive Inspector General. The General Assembly has directed the Executive Ethics Commission (Commission) to redact information from this report that may reveal the identity of witnesses, complainants or informants and “any other information it believes should not be made public.” 5 ILCS 430/20-52(b).

The Commission exercises this responsibility with great caution and with the goal of balancing the sometimes-competing interests of increasing transparency and operating with fairness to the accused. In order to balance these interests, the Commission may redact certain information contained in this report. The redactions are made with the understanding that the subject or subjects of the investigation have had no opportunity to rebut the report’s factual allegations or legal conclusions before the Commission.

The Commission received this report from the Governor’s Office of Executive Inspector General (“OEIG”) and a response from the agency in this matter. The Commission, pursuant to 5 ILCS 430/20-52, redacted the final report and mailed copies of the redacted version and responses to the Attorney General, the Executive Inspector General for the Governor, and to Bianca Kelly at her last known address.

The Commission reviewed all suggestions received and makes this document available pursuant to 5 ILCS 430/20-52.

FINAL REPORT

I. ALLEGATIONS

On March 3, 2017, the Office of Executive Inspector General (OEIG) received a complaint alleging that Bianca Kelly, an employee with the Department of Human Services (DHS), received Supplemental Nutrition Assistance Program (SNAP) benefits to which she was not entitled. The complaint further alleged that Ms. Kelly improperly used benefits assigned to the father of her children, [children’s father], while he was incarcerated.

II. BACKGROUND

A. SNAP

SNAP assists low-income people by providing funds to them so they can buy food. Benefits are provided on the Illinois Link Card, an electronically funded debit card that is accepted

at grocery stores. In Illinois, SNAP is administered by DHS. A person can apply for SNAP benefits online, by paper application, or in person at a local Family Community Resource Center (FCRC).

B. Bianca Kelly

Bianca Kelly has been employed by the Illinois Department of Human Services since August 18, 2014. She is a mental health technician at the Fox Developmental Center in Dwight, Illinois, where she serves and assists residents with developmental disabilities.

III. INVESTIGATION

In this investigation, the OEIG obtained and reviewed documents, including Ms. Kelly's personnel file, Ms. Kelly's and [children's father's] SNAP applications, and records of Ms. Kelly's and [children's father's] SNAP benefit receipt and usage. Investigators further obtained records of the Illinois Department of Corrections, and records and video recordings from Casey's General Stores in Dwight, Illinois. In addition, the OEIG interviewed Bianca Kelly and DHS personnel, including Human Services [Employee 1] and [Employee 2].

A. Examination of Ms. Kelly's SNAP Benefits

DHS Workers Action Guide (WAG) 25-06-05-b(2) sets out the maximum levels of income that a person can receive and still be eligible for SNAP benefits. Those income levels depend on the number of people in the household (the "SNAP unit"), and have changed over time. From January 1, 2016 through September 30, 2016, the time period most relevant to this investigation, the maximum monthly gross income for a SNAP unit of three people was \$2,763.00. Thereafter it became \$2,772.00.

The documents and interviews comprising this investigation establish the following key dates and events relating to Ms. Kelly's SNAP benefits, which are discussed in greater detail below:

August 18, 2014	Ms. Kelly began working for the State of Illinois at the Fox Developmental Center
July 31, 2015	Ms. Kelly was placed on administrative leave from her employment
August 7, 2015	Ms. Kelly submitted an online application for SNAP benefits
August 11, 2015	Ms. Kelly was suspended from her employment pending judicial verdict ¹

¹ Public records of the Livingston County court show that on July 24, 2015, Ms. Kelly was arrested and charged with felony manufacturing or delivering cannabis and with felony possession of a controlled substance. On December 9, 2015, Ms. Kelly pled guilty to possession of cannabis and was sentenced to 24 months' probation as a first offender.

December 12, 2015	Ms. Kelly returned to work
December 22, 2015	Information was submitted for a redetermination of Ms. Kelly's SNAP benefits
January 13, 2016	DHS recertified Ms. Kelly's SNAP benefits
August 7, 2016	DHS terminated Ms. Kelly's SNAP benefits

DHS's records show that on August 7, 2015, Ms. Kelly applied for SNAP benefits for herself and two children through the online application for benefits. On the application, Ms. Kelly reported that she earned \$1900 monthly from her employment at the Fox Developmental Center.

The online application for SNAP benefits that Ms. Kelly completed contained a list of SNAP client rights and responsibilities, which included the following prohibitions and penalties:

If you	Then you will lose SNAP benefits
<ul style="list-style-type: none"> Hide or give wrong information on purpose to get SNAP benefits. <p style="text-align: center;">* * *</p> <ul style="list-style-type: none"> Use someone else's SNAP benefits for yourself or someone else 	<ul style="list-style-type: none"> 12 months the first time 24 months the second time permanently the third time

Records of a follow-up phone call with a DHS caseworker show that Ms. Kelly stated that she was applying for benefits because she had been suspended from her job. DHS requested proof of gross wages and proof of the suspension. According to DHS records, Ms. Kelly provided the requested documents. DHS approved SNAP benefits for Ms. Kelly from August 2015 through January 2016. She received \$311 in August and \$511 monthly thereafter.

Investigators obtained Ms. Kelly's personnel file, which shows that on December 12, 2015, her suspension ended and she returned to her job at the Fox Developmental Center. Ten days later, on December 22, 2015, a call was made through DHS's automated phone system regarding a redetermination of Ms. Kelly's benefits. DHS's system asks the caller automated questions and records the answers. According to the transcript of that automated phone interview, the interview participant identified herself as Ms. Kelly, provided Ms. Kelly's phone number,² stated that she earned \$400 every two weeks, and stated that she did not expect a change in pay the following month.

DHS pay records, however, show that Ms. Kelly was paid the following amounts from December 2015 through July 2016:

² The phone number provided in the automated phone interview was the same as the phone number Ms. Kelly provided investigators in her July 25, 2017 OEIG interview.

Month	Monthly total	Pay date	Amount
December 2015	741.06	12/29/2015	741.06
January 2016	3381.41	1/14/2016	1408.15
		1/29/2016	1973.26
February 2016	2877.00	2/11/2016	1444.50
		2/29/2016	1432.50
March 2016	2681.34	3/14/2016	1216.44
		3/29/2016	1464.90
April 2016	3136.15	4/14/2016	1502.88
		4/29/2016	1633.27
May 2016	3104.97	5/13/2016	1367.61
		5/27/2016	1737.36
June 2016	2831.29	6/14/2016	1416.06
		6/29/2016	1415.23
July 2016	3691.07	7/14/2016	1773.24
		7/29/2016	1917.83
August 2016	2858.04	8/12/2016	1400.55
		8/20/2016	1457.49

DHS records further show that on January 13, 2016, a DHS caseworker recertified Ms. Kelly for SNAP benefits based on the December 22, 2015 redetermination phone interview. DHS records show that Ms. Kelly continued to receive \$511 per month in SNAP benefits from January 2016 through August 2016. Her benefits terminated on August 7, 2016 because she did not submit a mid-point report.

B. Examination of [children's father's] SNAP Benefits

1. Review of [children's father's] SNAP File and IDOC Records

DHS records show that on July 14, 2016, [children's father] submitted an online application for SNAP benefits for himself and the two children he had at the time with Ms. Kelly. [children's father's] voluntary acknowledgment of paternity of those children appears as part of his HFS file. Records show that in a follow-up interview with a DHS caseworker, [children's father] said that the children were living with him at that time. The caseworker contacted Ms. Kelly to verify that information, which she did, according to the records. The records then show that SNAP benefits were disbursed through [children's father's] account beginning on July 21, 2016 and continuing through January 2017.

IDOC records show that [children's father] was in custody beginning July 25, 2016. DHS determined that it paid [children's father] \$1,634 in SNAP benefits to which he was not entitled while he was in custody.

2. Review of Records of Usage of [children's father's] Link Card

The OEIG obtained and reviewed the usage data for [children's father's] Link card. Those records showed that the card was first used on July 30, 2016. It was used to make purchases

approximately 151 times continually through January 31, 2017. It was used in Dwight approximately 129 times.

Investigators identified seven specific transactions in which the card was used at two Casey's General Stores locations in Dwight:³

Date	Time	Location
December 7, 2016	8:15 a.m.	100 Watters Drive
December 14, 2016	8:12 a.m.	100 Watters Drive
January 1, 2017	9:11 p.m.	100 Watters Drive
January 12, 2017	7:37 a.m.	100 Watters Drive
January 20, 2017	10:30 a.m.	311 N. Union Street
January 23, 2017	3:26 p.m.	311 N. Union Street
January 28, 2017	5:33 a.m.	100 Watters Drive

Investigators also obtained video footage from Casey's General Stores showing the store transactions that occurred at the above dates, times, and locations. Investigators reviewed the video footage and observed that each transaction appears to be conducted by a woman who was visibly pregnant.⁴

C. Interviews of [Employee 1] and [Employee 2]

OEIG investigators interviewed [Employee 1] and [Employee 2] about the SNAP benefits DHS issued to Ms. Kelly and to [children's father].⁵ [Employee 1] is the DHS [identifying information redacted], where Ms. Kelly's and [children's father's] SNAP applications were handled. [Employee 2] is a [identifying information redacted].

[Employee 1] reviewed Ms. Kelly's electronic case file, which showed that she received SNAP benefits from August 2015 until August 2016. Investigators provided him with Ms. Kelly's semi-monthly pay amounts from her State of Illinois employment. [Employee 1] stated that Ms. Kelly exceeded the maximum gross income standard every month from January 2016 through August 2016, and that she therefore was not eligible for SNAP benefits in those months.⁶ [Employee 1] said that Ms. Kelly was not eligible for benefits after January 2016, when she returned to work after her suspension, and that it was her responsibility to notify DHS if her income exceeded the maximum gross standard. [Employee 1] noted that according to Ms. Kelly's case file, Ms. Kelly previously self-reported on September 9, 2014 that her income exceeded the

³ The Casey's location at 100 Watters Drive is less than one mile from Ms. Kelly's residence and work location. The Casey's location at 310 North Union Street is less than one mile from Ms. Kelly's residence and less than a mile and a half from her work location.

⁴ Ms. Kelly told investigators in her OEIG interview that she gave birth to a baby in March 2017.

⁵ Investigators interviewed [Employee 1] on September 22, 2017 and interviewed [Employee 2] on May 17, 2017.

⁶ Although [Employee 1] stated that Ms. Kelly's gross income exceeded the maximum gross income standard for every month between January 2016 through August 2016, her pay records show that in March 2016 her income was below the standard. That is, she earned \$2681.34 in March 2016, which is below the \$2763.00 maximum gross income standard.

maximum gross income standard in effect at that time, and that DHS stopped her benefits at that time as a result.

[Employee 2] reviewed [children's father's] case file and stated that he was entitled to the benefits paid in the month of his incarceration, but was ineligible to receive benefits after that.⁷ She explained that at some point, DHS learned that [children's father] was incarcerated, and on December 9, 2016, began the process of recouping \$1,634 in benefits overpaid to his account.

[Employee 2] said that no one, other than the client, is allowed to use SNAP benefits associated with that client, even if the benefits are for the same children. Therefore, she explained, Ms. Kelly cannot use [children's father's] benefits.

D. Interview of Bianca Kelly

On July 25, 2017, investigators interviewed Bianca Kelly. Ms. Kelly confirmed that she works at the Fox Developmental Center as a mental health technician. She said that she lives in Dwight with her three small children. Ms. Kelly acknowledged that [children's father] is the father of her children, and that they had lived together previously. Ms. Kelly said that she currently receives SNAP benefits and medical benefits from the State of Illinois. She said that she has received SNAP benefits at times in the past as well.

Investigators showed Ms. Kelly the August 7, 2015 online application for benefits, which she acknowledged she submitted. When asked about the program prohibitions and penalties, Ms. Kelly first stated that she did not recall those prohibitions and penalties being part of the application, but then agreed that she clicked a box indicating her understanding of them. Ms. Kelly initially said that she never violated any of the rules, including hiding information to obtain SNAP benefits or using someone else's SNAP benefits. When specifically asked if she ever used [children's father's] SNAP benefits, she denied doing so. When told that someone had used his Link card while he was incarcerated, Ms. Kelly stated that it was not her.

At that point in the interview, investigators showed Ms. Kelly the video footage of the person using [children's father's] Link card at Casey's General Store in Dwight. Ms. Kelly then admitted that she was the person in the video footage who used his card. She said that she got the card from [children's father] when he went into custody, and that he gave her his PIN. She said that she always had physical control of the card from July 2016 until January 2017. She said that

⁷ The DHS Policy Manual provides:

A person is ineligible to receive cash and SNAP assistance if the person is an inmate in a facility operated by the Illinois Department of Corrections, Department of Juvenile Justice or a county sheriff (including the Cook County Department of Corrections).

Persons incarcerated on the first day of the fiscal month through the last day of the fiscal month are ineligible for cash and SNAP benefits.

Eligibility exists for the entire month, if the inmate is eligible on the first day of the fiscal month.

she did not think it was wrong to use his card because she used the card for their children. When asked, however, she admitted that she used the card while she was on breaks from work to purchase sodas and snacks for herself.

IV. ANALYSIS

A. Ms. Kelly Failed to Report Her Income Change to DHS

DHS's employee personal conduct policy states that:

An employee holds a position of public trust and is expected to conduct himself or herself in a responsible, professional manner, refraining from conduct which could adversely affect the confidence of the public. An employee who violates the public trust or fails to conduct himself or herself in a professional manner may be subject to discipline up to and including discharge.⁸

In addition, DHS policy requires SNAP recipients such as Ms. Kelly to report when their gross income exceeds the SNAP Gross Monthly Income Standard for their household's size.⁹

The SNAP application Ms. Kelly submitted on August 7, 2015 warned her that she could not hide information to obtain SNAP benefits, and her understanding of her obligation to report income changes to DHS is evidenced by the fact that she previously did so in 2014. Ms. Kelly returned to work at the Fox Development Center on December 12, 2015, and her income exceeded the \$2,763 maximum monthly gross income standard beginning in January 2016 and continuing for the months of February, April, May, June, July, and August 2016. However, she failed to report this income change to DHS during the December 2015 redetermination process, or at any other time. As a result, Ms. Kelly improperly received SNAP benefits from DHS (her own employer) for at least seven months. Ms. Kelly's failure to report her income change constitutes conduct unbecoming a State employee in violation of DHS policy, and that allegation is **FOUNDED**.¹⁰

B. Ms. Kelly Improperly Used [children's father's] SNAP Benefits

Ms. Kelly also engaged in conduct unbecoming a State employee when she improperly used [children's father's] SNAP benefits. [Children's father] was incarcerated for the entire period during which his Link card was being used, including the seven occasions when video from Casey's General Stores showed Ms. Kelly making purchases. Ms. Kelly admitted that she obtained and used [children's father's] Link card from July 2016 through January 2017, including the seven instances at Casey's General Stores. Ms. Kelly's 2015 online SNAP application notified her of the prohibition against using someone else's SNAP benefits, and in her interview, Ms. Kelly

⁸ Administrative Directive 01.02.03.040, DHS Employee Handbook Section 5.

⁹ PM 18-04-00.

¹⁰ The OEIG concludes that an allegation is "founded" when it has determined that there is reasonable cause to believe that a violation of law or policy has occurred, or that there has been fraud, waste, mismanagement, misconduct, nonfeasance, misfeasance, or malfeasance.

acknowledged that she clicked a box indicating her understanding of these prohibitions and penalties.

Ms. Kelly's use of [children's father's] Link card constitutes further conduct unbecoming a State employee, in violation of DHS policy, and that allegation is also **FOUNDED**.

V. FINDINGS AND RECOMMENDATIONS

As a result of its investigation, the OEIG finds that **THERE IS REASONABLE CAUSE TO ISSUE THE FOLLOWING FINDINGS:**

- **FOUNDED** – Bianca Kelly engaged in Conduct Unbecoming a State Employee in violation of DHS Administrative Directive 01.02.03.040 and DHS Employee Handbook Section 5, in that she failed to notify DHS that her income exceeded the maximum gross income standard in the months of January, February, April, May, June, July, and August 2016.
- **FOUNDED** – Bianca Kelly engaged in Conduct Unbecoming a State Employee in violation of Administrative Directive 01.02.03.040 and DHS Employee Handbook Section 5, in that she improperly used [children's father's] SNAP benefits from July 2016 through January 2017.

Based on these findings and Ms. Kelly's prior history of Conduct Unbecoming a State Employee,¹¹ the OEIG recommends that DHS terminate Bianca Kelly from her employment with the State of Illinois.¹² The OEIG further recommends that DHS take steps to recoup any SNAP benefits that were improperly paid through Ms. Kelly and [children's father's] accounts.¹³

No further investigative action is needed and this case is considered closed.

Date: January 17, 2018

Office of Executive Inspector General
for the Agencies of the Illinois Governor
69 W. Washington Street, Ste. 3400
Chicago, IL 60602

By: **M. Katherine Fischer**
Assistant Inspector General

Edward Escamilla
Supervising Investigator

¹¹ Ms. Kelly was previously suspended twice for Conduct Unbecoming a State Employee in 2015.

¹² The OEIG is referring this matter to the Attorney General because the misconduct resulted in the loss of public funds in excess of \$5,000.00. 5 ILCS 430/20-80.

¹³ Although this investigation focused on the SNAP benefits Ms. Kelly received up to August 2016, it appears that Ms. Kelly may have been receiving SNAP benefits as of at least October 2017 as well. Thus, the OEIG recommends that DHS examine whether Ms. Kelly obtained additional benefits to which she may not have been entitled and recoup those as well.



Bruce Rauner, Governor

Illinois Department of Human Services

James T. Dimas, Secretary

100 W. Randolph • Chicago, Illinois 60601

February 5, 2018

Via e-mail to Fallon Opperman, Deputy Inspector General and Chief of Chicago Division, on behalf of:

Maggie Hickey

Executive Inspector General

Office of the Executive Inspector General for the Agencies of the Illinois Governor

69 West Washington Street, Suite 3400

Chicago, Illinois 60602

RE: Response to the Final Report for Complaint 17-00402

Dear Executive Inspector General Hickey:

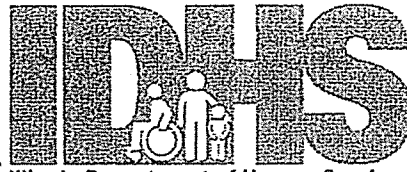
This letter responds to the Final Report for Complaint Number 17-00402, attached. The Report detailed founded allegations of a failure to report income from Department of Human Services (DHS) employment leading to improper public assistance benefit receipt, as well as a of improper use of another's benefits. The Report made two recommendations. The recommendations are being followed.

Specifically, a pre-disciplinary meeting has been scheduled with Ms. Kelly. As you know, the Collective Bargaining Agreement details several procedures regarding discipline. The process could take some time to complete. In addition, DHS has taken steps to recover the funds.

Your office will be updated as the matter moves along. If you have any questions, please feel free to contact Robert J. Grindle, DHS' Ethics Officer.

Regards,

James T. Dimas
Secretary



Bruce Rauner, Governor

Illinois Department of Human Services

James T. Dimas, Secretary

100 W. Randolph • Chicago, Illinois 60601

November 5, 2018

Via e-mail to Fallon Opperman, Deputy Inspector General and Chief of Chicago Division, on behalf of:

Susan M. Haling

Acting Executive Inspector General

Office of the Executive Inspector General for the Agencies of the Illinois Governor

69 West Washington Street, Suite 3400

Chicago, Illinois 60602

RE: Response to the Final Report for Complaint 17-00402

Dear Acting Executive Inspector General Haling:

This letter updates your office regarding the Final Report for Complaint Number 17-00402. On March 27, 2018, Bianca Kelly resigned her position.

The Department of Human Services, considers this matter closed because personnel related matters are concluded, and any collection activities will take place in due course. If you have any questions, please feel free to contact Robert J. Grindle, DHS' Ethics Officer.

Regards,

James T. Dimas
Secretary